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COMMISSIONERS

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Arizona Corporation Commission

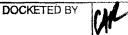
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3 MARC SPITZER, Chairman WILLIAM A. MUNDELL

AZ CORP COMMISSION DOCUMENT CONTROL

JUN - 3 2004

4 JEFF HATCH-MILLER MIKE GLEASON 5 KRISTINE K. MAYES



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IN THE MATTER OF THE APPLICATION OF THE ARIZONA DEPARTMENT OF

TRANSPORTATION TO UPGRADE A CROSSING OF THE UNION PACIFIC

RAILROAD AT BROADWAY ROAD, IN THE CITY OF MESA, MARICOPA COUNTY,

ARIZONA, AAR/DOT NO. 741-657-Y.

DOCKET NO. RR-03639A-04-0381

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PROCEDURAL ORDER

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BY THE COMMISSION:

On May 20, 2004, the Arizona Department of Transportation ("ADOT") filed with the Arizona Corporation Commission ("Commission") a request for approval for the Union Pacific Railroad ("Railroad") to upgrade a crossing at Broadway Road in Mesa, Arizona at AAR/DOT No. 741-657-Y.

IT IS THEREFORE ORDERED that the request of the Arizona Department of Transportation shall be considered an application for the Railroad to construct a new public railroad crossing pursuant to A.R.S. § 40-337, et seq.

IT IS FURTHER ORDERED that the Railroad shall be considered as the Respondent in this proceeding.

IT IS FURTHER ORDERED that the hearing on the application shall be held on June 24, 2004 at 2:00 p.m., or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

IT IS FURTHER ORDERED that within five business days of receipt of this Procedural Order, the Arizona Department of Transportation shall provide the Railroad and the City of Mesa and any other municipality or interested party that may be affected by the application with a copy of the application and this Procedural Order by certified mail.

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OF

1 IT **FURTHER** ORDERED **ARIZONA** IS that the DEPARTMENT TRANSPORTATION SHALL FILE WITH THE COMMISSION'S DOCKET CONTROL AN 3 ORIGINAL AND THIRTEEN (13) COPIES OF PROOF OF COMPLIANCE with this 4 Procedural Order concurrently with the mailing of notice ordered herein. DATED this day of June, 2004 5 6 7 8 IARC E. STERN ADMINISTRATIVE LAW JUDGE 9 Copies of the foregoing mailed/delivered this 2 day of June, 2004 to: 10 John Syers 11 Railroad Engineering Coordinator Arizona Department of Transportation 205 S. 17th Avenue, Mail Drop 618E 12 Phoenix, AZ 85007 13 David Gibson 14 Arizona Department of Transportation Traffic Records Section 15 206 S. 17th Avenue, Mail Drop 064R Phoenix, AZ 85007 16 Freddy Chung 17 UNION PACIFIC RAILROAD COMPANY 19100 Slover Avenue 18 Bloomington, California 92316 19 Christopher Kempley, Chief Counsel Legal Division 20 ARIZONA CORPORATION COMMISSION 1200 West Washington Street 21 Phoenix, Arizona 85007 22 Ernest Johnson, Director Utilities Division 23 ARIZONA CORPORATION COMMISSION 1200 West Washington Street 24 Phoenix, Arizona 85007 25 ARIZONA REPORTING SERVICE, INC. 2627 North Third Street, Ste. Three 26 Phoenix, AZ 85004-1103 27 By: Molly Johnson

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Secretary to Marc Stern